IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

| JOSEPH W. POWELL, |) | |
|-------------------|------------|---|
| Plaintiff, |) | |
| riaintii, |) | |
| V. |) 1:17CV47 | 2 |
| KARA E. POWELL, |) | |
| Defendant. |) | |

ORDER

On June 7, 2017, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 4, 5.) Plaintiff timely filed objections (Doc. 6) to the Recommendation.

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation and finds that Plaintiff's objections do not change the substance of the United States Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that Plaintiff's complaint (Doc. 2) be, and is hereby, DISMISSED pursuant to 28 U.S.C.

§ 1915(e)(2)(B) for failing to state a claim upon which relief

may be granted, but without prejudice to Plaintiff asserting any state law claims he may have in state court.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 12th day of July, 2017.

William L. Oshur, M.
United States District Judge